

**REMARKS**

The present amendment is submitted in response to the Office Action dated August 22, 2003, which set a three-month period for response, making this amendment due by November 22, 2003.

Claims 1-13 are pending in this application.

In the Office Action, the drawings were objected to under 37 CFR 1.83(a) as not showing every feature of the invention specified in the claims, namely, the projections and end covers on the protective profile, as defined in claim 5. The specification was objected to for various informalities. Claims 5-13 were objected to under 37 CFR 1.75(c) as being in improper form. Claims 5-13 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 1-6 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,732,436 to Feigenbaum. Claims 1-4 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,021,548 to Stoller. Claim 5, both as based on the preamble of claim 1 and including all of the limitations of claim 1, was provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 18 of copending Application Serial No. 09/806,099.

Turning first to the objections to the drawings, the Applicants respectfully direct the Examiner's attention to Figure 1, which illustrates clearly the covers 16, 18 (defined in claim 1 and 4), as well as to Figures 11 and 12, which show the projections 32, 34, 36, as defined in claim 5. Without further clarification from the

Examiner, the Applicants are unclear as to the grounds for the objections to the figures, since the objected-to elements are clearly shown.

With regard to the objections to the abstract and disclosure, both have been amended to address these objections.

Regarding the objection to and rejection under Section 112 of claim 5, claim 5 has been amended to delete the phrase "to the preamble" of claim 1, so that claim 5 depends on claim 5 in its entirety.

Claim 11 was amended to provide proper antecedent basis for the term "the outwardly inclined bevel".

With regard to the rejection of claim 5 under the doctrine of obviousness-type double patenting, the Applicants propose to file a terminal disclaimer to obviate this basis for rejection of claim 5.

Looking now at the substantive rejection of the claims under Section 102, the Applicants respectfully disagree that the cited references to Feigenbaum and Stoller anticipate the subject matter of claims 1-6 and 1-4, respectively.

The present invention relates to a wiper blade, whose wiper strip is encompassed by a laterally closed protective profile. According to claims 1-4, the protective profile is closed in the longitudinal direction at least on one end with a cover, with which the protective profile can be opened and closed. According to claims 5-13, the protective profile is closed by means of an inwardly projecting projection.

The Examiner cites first the Feigenbaum patent and maintains that the replacement wiper blade 10 should be viewed as a protective profile and, in

addition, that it is closed at both ends by a cover. Both of these conclusions cannot be supported. The replacement wiper blade 10 serves to replace a worn wiper blade. It makes no sense to protect worn wiper blades. Accordingly, one can find no suggestion in any part of the Feigenbaum reference that the replacement wiper blade 10 should serve to protect new wiper blades. Such a new use is not provided in Feigenbaum, rather only with knowledge of the present application.

Likewise, part 56 of Feigenbaum is not a cover, which could be used in order to open and close a protective profile. In addition, part 56 is formed on the replacement blade 10 as one piece and is made from an elastic material, so that it can be bent over the replacement wiper blade 10 (see, for example, column 4, lines 37-58).

To more clearly define the cover element of the present invention over element 56 of Feigenbaum, claim 1 has been further amended to define that the cover is placed on the front side of the protective profile.

For mounting of the replacement wiper blade 10 according to Feigenbaum, it is necessary that the replacement wiper blade 10 and the formed-on part 56 are made from a rubber-elastic material. These materials are not suited in practice for protective profiles, since they are not resistant to higher temperature loads. If one were to make the replacement wiper blade from a harder, temperature-resistant material, it could not be mounted with a formed-on part 56. In contrast, the cover 16, 18, 20 can be removed on the front side from

the protective profile 14, 22, 24 in the present invention, so that the protective profile can be shifted in the longitudinal direction over the wiper strip.

The above arguments also apply to the Stoller reference. In this reference, the wiper blade is encompassed by a sleeve, which is made from a porous material. The side walls 18 and 19 of the v-shaped cross-section profile are elastic and project with the embodiment according to Stoller's Fig. 6 in the longitudinal direction over the wiper blade. On the ends, reinforcement strips are located and are held together by clamps 21, that is, closed on the ends. Because the material disclosed by Stoller is not suitable for a protective profile, again, this reference provides no suggestion as to a cover or an inwardly directed projection.

Thus, the Applicants respectfully submit that neither of the cited references to Feigenbaum or Stoller anticipates the subject matter of the present invention. The Applicants therefore request withdrawal of the rejections under 35 U.S.C. 102 and reconsideration of the claims as herein amended.

In light of the foregoing arguments in support of patentability, the Applicants respectfully submit that this application stands in condition for allowance. Action to this end is courteously solicited.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael J. Striker', with a long horizontal flourish extending to the right.

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